

Easy-Heat Wirekraft, Division of Bristol Products, Inc. and International Union, United Automobile, Aerospace & Agricultural Implement Workers of America. Case 25-CA-9248

September 14, 1981

SUPPLEMENTAL DECISION AND ORDER

BY MEMBERS FANNING, JENKINS, AND ZIMMERMAN

On September 29, 1978, the National Labor Relations Board issued a Decision and Order¹ in this proceeding. The Board found that Respondent had violated Section 8(a)(2) and (1) of the Act by interfering with the Lakeville Employees Council and by contributing financial and other support to it. Paragraph 2(a) of the Board's Order affirmatively required Respondent to:

(a) Withdraw and withhold recognition from the Lakeville Employees Council as the representative of its employees for the purpose of dealing with it in respect to grievances, labor disputes, wages, rates of pay, hours of employment, or other conditions of employment unless and until the Lakeville Employees Council has been duly certified by the Board as the exclusive collective-bargaining representative of employees in an appropriate unit or units.

Thereafter, on September 20, 1979, the United States Court of Appeals for the Seventh Circuit issued an unpublished order in which it affirmed the Board's findings and enforced the Board's Order except for paragraph 2(a) which the court remanded "for a determination as to whether the language therein should be more specific so as not to interfere with the lawful pre-violation relationship of the respondent and its employees."²

The Board, having accepted the remand, respectfully recognizes the court's order as binding in this case.

As indicated above, the remand to the Board is for the limited purpose of providing the Board with an opportunity to clarify paragraph 2(a) of its Order. Accordingly, we shall amend paragraph 2(a) of our affirmative Order to provide that the pre-violation relationship between the Employer and the Lakeville Employees Council which existed prior to August 24, 1977, may continue.

¹ 238 NLRB 1695.

² The court noted that the Administrative Law Judge stated: "Respondent's dealings with the Council prior to August 24, [1977] . . . are not alleged nor argued to be violative of the Act." Unpublished order, p. 4.

ORDER

It is hereby ordered that the Board's Order in this proceeding (238 NLRB 1695) is amended as follows:

1. Substitute the following for paragraph 2(a):

"(a) Withdraw and withhold recognition from the Lakeville Employees Council as the representative of its employees for the purpose of dealing with it in respect to grievances, labor disputes, wages, rates of pay, hours of employment, or other conditions of employment, unless and until the Lakeville Employees Council has been duly certified by the Board as the exclusive collective-bargaining representative of employees in an appropriate unit or units; provided, however, that nothing in the foregoing paragraph shall prohibit the Company and the Council from functioning as they did prior to August 24, 1977."

2. Substitute the attached notice for that originally issued by the Board.

APPENDIX

**NOTICE TO EMPLOYEES
POSTED BY ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government**

WE WILL NOT unlawfully furnish financial or other support or act in any advisory capacity to the Lakeville Employees Council of our employees.

WE WILL NOT in any other like or related manner interfere with, restrain, or coerce our employees in the exercise of their rights to self-organization, to form, join, or assist any labor organization, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, or to refrain from any and all such activities.

WE WILL withdraw and withhold recognition from the Lakeville Employees Council as the representative of any of our employees for the purpose of dealing with us concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other conditions of employment, unless and until the Lakeville Employees Council has been duly certified by the National Labor Relations Board as the exclusive bargaining representative of our employees in an appropriate unit or units; provided, however, that nothing in the foregoing paragraph shall prohibit the Company and the

Council from functioning as they did prior to August 24, 1977.

EASY-HEAT WIREKRAFT, DIVISION
OF BRISTOL PRODUCTS, INC.